

Torture is also applied in connection with the death penalty, or modes of death are devised which are as painful as they can be made. The motive is to deter any one from the class of acts which is especially abominated. In the cases above cited (sec. 211), under criminal law, it will be observed that death by burning was applied in the case of incest, or other very abominable crime, in the laws of Hammurabi and other ancient codes (sec. 234). Such extreme penalties are first devised to satisfy public temper. The ruler is sure of popularity if he shows rigor and ferocity. His act will be regarded as just. It is now the popular temper, when any one commits a crime which is regarded as very horrible, to think and say what frightful punishment he deserves. It is-a primary outpouring of savage vengeance. When precedents have been established for frightful punishments, the rulers apply the same in cases of disobedience against themselves or their authority. Now torture and ferocious penalties have reached another stage. They were invented by the masses, or in order to appeal to the masses. They have now become the means of authority and discipline. The history of torture is a long development of knowledge of pain, and of devices to cause it. Then it becomes a means which is at the disposal of those who have the power. The Dominican Izarn, in a chant of triumph over the Albigenses, represents himself as arguing with one of them to whom he says, "Believe as we do or thou shalt be burned!"<sup>1</sup> This is the voice of a victorious party. It is the enforcement of uniformity against dissent. Systematic and legal torture then becomes an engine of uniformity and it acts selectively as it crushes out originality and independent suggestion. It is at the disposal of

any party in  
power. Like every other system of policy it loses  
its effect on  
the imagination by familiarity, and that effect can  
be regained  
only by intensifying it. Therefore where torture has  
been long  
applied we find that it is developed to grades of  
incredible horror.  
**234.** Execution by burning. In the ancient world  
execution  
by burning was applied only when some religious  
abomination  
was included in the crime, or when it seemed  
politically out-  
rageous. In the laws of Hammurabi an hierodule  
who opened

<sup>1</sup> Lenient, *La satire au M. A.*, 41.